

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2BBBB as follows:

6 (815 ILCS 505/2BBBB new)

7 Sec. 2BBBB. Retail businesses prohibited from refusing
8 cash payments.

9 (a) As used in this Section:

10 "Cash" means the coin and paper money of the United
11 States.

12 "Electronic payment" means a payment transaction that is
13 initiated and processed using electronic or digital means.

14 "Fuel station" means an establishment at which motor
15 vehicles are refueled.

16 "Grocery store" means a retail establishment where 50% or
17 more of its gross sales include nonprescription medicines,
18 uncooked article of foods, beverages, confections, and
19 condiments used for or intended to be used for human
20 consumption off premises.

21 "Pharmacy" has the meaning set forth in subsection (a) of
22 Section 3 of the Pharmacy Practice Act.

23 "Prepaid card" means any secured instrument that uses an

1 account identification number that is not connected with a
2 personal financial account to access deposited cash to
3 purchase goods, services, or anything else of value.

4 "Retail mercantile establishment" means a fuel station,
5 pharmacy, restaurant, or grocery store.

6 "Restaurant" means any business that is primarily engaged
7 in the sale of ready-to-eat food for immediate consumption
8 that comprises at least 51% of the total sales, excluding the
9 sale of liquor. "Restaurant" does not include a temporary
10 vendor at a market or festival, a business operating from a
11 vehicle or other mobile space, or a street vendor.

12 "Self-service checkout" means an interactive electronic
13 terminal that facilitates an action or displays a piece of
14 information and allows a consumer to pay for goods and
15 services.

16 (b) Each State or local agency or public utility or an
17 authorized agent of the State or local agency or public
18 utility shall provide a means to accept cash to pay any amount
19 due of less than \$750 to that State or local agency or public
20 utility.

21 (c) A retail mercantile establishment selling or offering
22 to sell goods or services to the public that employs an
23 individual to accept in-person payments at a physical location
24 shall not:

25 (1) refuse to accept cash as a form of payment for
26 sales of less than \$750 made at such physical location;

1 (2) post a sign on the premises stating that cash
2 payment is not accepted; or

3 (3) charge a higher price to customers paying with
4 cash compared to the price charged to customers not paying
5 with cash.

6 (d) The provisions of subsection (c) shall not apply to:

7 (1) self-service checkouts;

8 (2) retail sales that occur between the times of 11
9 p.m. and 6 a.m. for restaurants, fuel stations, and
10 grocery stores only;

11 (3) a retail mercantile establishment that is unable
12 to accept cash because of a sales system failure that
13 temporarily prevents the processing of cash payments or a
14 temporary insufficiency in cash on hand needed to provide
15 change;

16 (4) a retail mercantile establishment that sells
17 consumer goods exclusively through a membership model
18 requiring payment by means of an affiliated mobile device
19 application or online application;

20 (5) a retail mercantile establishment that sells
21 consumer goods and services through a membership model;

22 (6) a retail mercantile establishment that both (i)
23 accepts prepaid cards as payment for goods and services;
24 and (ii) provides a mechanism to convert cash to the
25 prepaid card either at the point of sale, self-service
26 checkout, or similar method within the retail mercantile

1 establishment; or

2 (7) retail sales made by the telephone, internet,
3 mobile application or other similar means but completed in
4 person at the seller's location or retail sales made by
5 the telephone, internet, mobile application, or other
6 similar means but completed in person off-premises.

7 (e) Notwithstanding paragraph (1) of subsection (d), a
8 retail mercantile establishment subject to subsection (c)
9 shall be deemed to comply with this Section if no fewer than
10 one point of sale at that physical location accepts cash.

11 (f) Nothing in this Section requires a person to accept
12 any bills larger than \$20 bills as payment for goods or
13 services.

14 (g) The regulation of accepting cash or electronic
15 payments by retail mercantile establishments is an exclusive
16 power and function of the State. A home rule unit may not
17 regulate the acceptance of cash or electronic payments by a
18 retail mercantile establishment that is inconsistent with this
19 Section. This Section is a denial and limitation of home rule
20 powers and functions under subsection (i) of Section 6 of
21 Article VII of the Illinois Constitution.

22 (h) Nothing in this Section shall be construed to limit,
23 regulate, or prohibit the acceptance of electronic payments by
24 a retail mercantile establishment.

25 (i) A violation of this Section shall be a business
26 offense and may be fined as follows:

1 (1) for a first violation, a fine not exceeding \$50;
2 (2) for a second violation within a 12-month period, a
3 fine not exceeding \$100;
4 (3) for a third violation within a 12-month period,
5 and any additional violation within a 12-month period, a
6 fine of no more than \$500.
7 A retail mercantile establishment shall not be fined in
8 excess of \$5000 per year for violations under this Section.

9 Section 99. Effective date. This Act takes effect January
10 1, 2024.